



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/299,859 04/26/99 ELLIOTT

R QTL-00800

EXAMINER

PM82/0605

JONATHAN O OWENS
HAVERSTOCK & OWENS LLP
260 SHERIDAN AVENUE STE 420
PALO ALTO CA 94306

HEWITT, J

ART UNIT

PAPER NUMBER

3628

DATE MAILED:

06/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/299,859

Applicant(s)

ELLIOTT ET AL.

Examiner

James M Hewitt

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-43 and 45-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39, 41-43 and 45 is/are allowed.
- 6) ☒ Claim(s) 24-38, 40 and 46-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

Art Unit: 3628

DETAILED ACTION

Continued Prosecution Application

June 6/1/01
The request filed on ^{2/27}~~3/23~~/01 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/299,859 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 40 and 46-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 46 line 6, "horizontal" should be deleted. It is unclear how opening (240) can be interpreted as "horizontal". Further, in the specification the opening (240) is referred to as vertical opening 240. Claim 40 (line 6) is similarly affected.

Art Unit: 3628

In claim 49 line 11, the phrase "(is formed by folding a portion of the cover section over onto itself) and engaging a two part connector" is unclear. It is unclear as to what engages a two-part connector.

In claim 51 line 2, "cot" should be deleted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly (US 5,003,649) in view of Gilfillan (US 2,670,478).

Kelly teaches a nestable cot (C1) having a web of material on which the occupant of the cot can lay. The web is attached to a frame (F) which includes a plurality of rods (R1-R4) one of which extends along each side of the web. The material along each side and end of the web is folded back over on itself to form an open selvage with the two layers sewn together to form sleeves (S1-S4).

Art Unit: 3628

End connectors are provided for connecting respective ends of adjacent rods to interconnect the rods and complete the frame. The frame is assembled without the use of tools. Each connector includes an elongate housing (7) having an opening (25, 27) at each end in which respective ends of adjacent rods are received. The cot is supported in an elevated position by a pedestal (33) formed intermediate the length of the housing. A pad (79) is attachable to the bottom of the pedestal to provide a greater height to the pedestal and to create greater clearance between the cots when stacked. Kelly does not teach that the web of material includes a detachable fastener for removably and selectively coupling the material to the frame. Gilfillan teaches a collapsible cot having a frame with a plurality of tubes which are joined by corner pieces including legs and caps. The material on which a person is to lay is a heavy textile fabric, like canvas. At each side and one end, seams are sewn by folding the canvas over itself to form channels in which the tubes are received. The other end includes grommets and is attached to the associated end tube by a sash cord. This fastening means is not of the hook and loop type, however is just as conventional. Moreover, on pages 6 and 7 of the specification of the instant invention, "In alternative embodiments, as should be apparent to those skilled in the art, different types of appropriate detachable fasteners such as zippers, snaps, quick-releases and the like can be utilized in place of the interlocking

Art Unit: 3628

hook and loop fabric...". In view of the teaching of Gilfillan, it would have been obvious to the skilled artisan at the time of the invention to modify one end of Kelly's cot with a detachable fastener assembly in order to provide quicker disassembly of parts.

Allowable Subject Matter

Claims 39, 41-43 and 45 are allowed.

Claims 46 and 49 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 40, 47-48 and 50-53 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Claims 39 and 46 now require the end of the support having the detachable fastener to be formed by wrapping the end about a rail section and interlocking the fastener portions to form a sleeve. Claim 49 requires the first end sleeve structure to be formed by folding a portion of the cover section over

Art Unit: 3628

onto itself and engaging a two-part connector. The prior art and specifically Gilfillan, fails to teach or fairly suggest such. Gilfillan lacks those structural limitations required in claims 39, 46 and 49 and no prior art was found which could be used to modify Gilfillan in a way to read on the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Hewitt whose telephone number is (703) 305-0552. The fax number is (703) 305-3597/8. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

JMH
JMH

6/1/01

Michael F. Trettel
MICHAEL F. TRETTEL
PRIMARY EXAMINER
ART UNIT 358